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In the Supreme Court of the United States

OCTOBER TERM, 1969

No. 1388

WHEATON GLASS COMPANY, PETITIONER

v.

GEORGE P. SHULTZ, SECRETARY OF LABOR

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR RESPONDENT IN OPPOSITION

The Secretary of Labor brought this suit under Section 17 of the Fair Labor Standards Act (29 U.S.C. 217)[1] to enjoin violations of the Equal Pay Act of 1963 (29 U.S.C. 206(d), set forth at Pet. 3–4). Petitioner contended that its male and female employees were not performing "equal work" within

[1] Section 17 of the Fair Labor Standards Act, in pertinent part, provides:

"The district courts * * * shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act * * *."

the meaning of the Act because of claimed differences in their respective job requirements, and that the differential between their wage rates was justified as based on a "factor other than sex" within the meaning of the exception provided in Section 6(d)(1)(iv).

1. The evidence showed that Wheaton Glass Company at its glass container manufacturing plant in Millville, New Jersey, employs about 275 men and about 230 women as selector-packers in the plant's bottle inspection department (App. 976).[2] The men selector-packers are paid 21½ cents per hour more than the women. At the time of trial, the selector-packer (male) hourly wage rate was $2.355 and the female rate was $2.14 (Pet. App. A67). Prior to 1956, the petitioner had employed only men as selector-packers (Pet. App. A45). The wage differential originated in a 1956 agreement between petitioner and a labor union which provided that female selector-packers might be employed, but that no male selector-packer then employed was to be replaced by a female selector-packer except to fill a vacancy resulting from retirement, resignation, or dismissal for just cause (App. 1368). Thereafter, the union contracts consistently provided a separate wage classification for "Female Selector-Packer" with a wage rate about 10 percent less than that for the "Male Selector-Packer" classification (Pl. Exh. 14; App. 1376–1381).

The principal function of both the men and women selector-packers, and the bulk of their working time

[2] "App." references are to the Appendix Record in the District Court.

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(estimated by a witness for petitioner to be an *average* of 98 percent for women as a class and of 81 percent for men as a class) consists of performance of identical selecting and packing operations (Pet. App. A52, A58). This is semi-skilled work, requiring specialized knowledge and training to detect defects in the glassware quickly (App. 965–966, 1226).[3] Generally, 3 to 7 selector-packers are assigned to a particular lehr[4] without regard to sex, and men and women work side-by-side selecting and packing identical ware into identical boxes.

The only differences in the work of male and female selector-packers consist, in substance, of assignments made to some (but not to all) of the men during relatively small portions of their time—*i.e.*, when they are not needed for the selecting-packing operation—of miscellaneous unskilled common labor tasks ordinarily performed by so-called "snap-up boys" (Pet. App. A67, A69).[5] The snap-up boys' wage

[3] It is also tedious and fatiguing work, which requires standing for long hours in one position with continuous, production-paced, physical and visual exertion and attention (App. 768–769, 827–828, 869).

[4] A "lehr" is a cooling oven which tempers the glassware as it moves by conveyer belt to the selector-packers (Pet. App. A42, n. 5). There are 24 lehrs in the plant, about 20 of which are in operation at any one time (App. 398–399, 1077).

[5] Contrary to petitioner's contention that "all" male selector-packers performed all of the "additional" tasks (Pet. 9), the district court did not, as the court of appeals noted, make "any findings that all members of the class of male selector-packers were able and available to do the work of snap-up boys, whereas no members of the class of female selector-packers were so available" (Pet. App. A76, A68–69). Petitioner's argument that the word "all" was "understood" and, in

rate (the lowest male wage in the plant) is virtually the same as that paid to female selector-packers—presently two cents (originally only ½ cent) per hour more than the "Selector-Packer (Female)" rate (Pl. Exh. 14). Under the union collective bargaining agreement, men selector-packers when assigned temporarily to such "snap-up" work are entitled to continue to receive their much higher regular wage rate (App. 770–771; Pl. Exh. 14). The amount of "snap-up" work assigned to individual men has varied from 20 percent of their working time to little or none. Regardless of the amount, if any, of such work assigned to individual men, *all* of the several hundred male selector-packers are paid the same higher male wage rate.[6]

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any event, was supported by "uncontradicted" evidence is in error. On the contrary, uncontradicted evidence showed that about 25 men employed on the "permanent resort crews" do nothing but selecting-packing on a "steady basis" (App. 226-227, 261, 1013, 1087, 1299), and individual male selector-packer witnesses testified that they rarely performed any of the "additional" tasks and never performed some of them (App. 118, 139, 193-194, 203, 386-387). There was also uncontradicted testimony by the 25 women witnesses that each of them had also performed some of these miscellaneous "snap-up" tasks (*e.g.*, App. 29–30, 241–242, 285–286, 306, 323–327, 345–350, 381, 558, 571–574, 622).

[6] Petitioner's evidence did not purport to show anything more than an "average" of male selector-packer performance of such tasks, and this average included the group known as "Relief Selector-Packers" who admittedly were more available for assignment to snap-up work (App. 215–217, 236, 361, 388) than were the regular selector-packers who comprised the great majority of both men and women selector-packers.

Petitioner adduced testimony itemizing every task, other than selecting-packing, *ever* performed by *any* male selector-

The main thrust of petitioner's evidence in defense of the wage differential was, as indicated by the trial court's opinion (Pet. App. A38–A59), that "the need for flexibility" in the operation of petitioner's plant requires the "maximum utilization of its male labor force" (Pet. App. A51), and that "because of their limited utility * * * females did not provide the requisite flexibility" (Pet. App. A47) and it was therefore necessary for defendant to use "the versatile male selector-packer" for some of the miscellaneous "snap-up" labor (Pet. App. A46). Admittedly the women were not idle while men were performing such "other" tasks. The women (as well as most of the men) continued performance of the skilled and demanding selecting-packing function, either at a lehr or in the "resort" area of the department (App. 23, 43, 57, 118, 171, 261–262, 291, 370–371, 386, 416, 469, 561).[7]

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packer (which grew to the 16 items listed in the district court's opinion, Pet. App. A43–44), all of which tasks were asserted to be job requirements for the male selector-packer wage classification. No such distinctions in the job content of male and female selector-packers have ever been specified in any job descriptions or in the wage rate classification schedules. Petitioner admittedly had never adopted job descriptions of any kind (other than the bare wage-classification titles), nor had petitioner ever made or used any job evaluation study or plan in establishing its wage rates (Pet. App. A46; App. 1022, 1041, 1227, 1244).

[7] The uncontradicted testimony of male selector-packer witnesses was that the assignment to "snap-up" work was a welcome relief from the tedium and strain of selecting-packing and that such work was "easier" and less tedious than selecting-packing (App. 273, 446, 769, 827, 869).

2. The decisions of the courts below were predicated on their respective different interpretations of the meaning of the statutory term "equal," and of the statutory exception for differentials based on a "factor other than sex."

The district court construed the term "equal" to mean "substantially identical" work (Pet. App. A55). Applying this narrow interpretation, it held that the Secretary had failed to meet the burden of proving that the work of the male and female selector-packers was equal or that defendant's wage differential was based on sex discrimination. While acknowledging that "in the assembly line phase of selecting and packing, both men and women perform identical functions" (Pet. App. A58), the district court accepted petitioner's "rationale" (Pet. App. A48) that, as a matter of economic necessity, it needed to have some of the common labor work performed by selector-packers, that male selector-packers as a class were considered able and available to perform such work whereas women as a class were considered of too "limited utility," and that, accordingly, the resultant "flexibility" of the men constituted a "realistic" difference between the work of the male and female selector-packers. The court concluded that this rationale, in addition to establishing the inequality of their work performance, satisfied the employer's burden of proving that the wage disparity was based on a "factor other than sex" within the meaning of the exception in Section 6(d)(1)(iv) of the Act.

The court of appeals unanimously reversed. Its construction of the term "equal" work was that it

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"did not require that the jobs be identical, but only that they must be substantially equal" since "[a]ny other interpretation would destroy the remedial purposes of the Act"—which was designed "to overcome the age-old belief in women's inferiority and to eliminate the depressing effects on living standards of reduced wages for female workers" (Pet. App. A73).[8] The court ruled that "Congress never intended * * * that an artificially created job classification which did not substantially differ from the genuine one could provide an escape for an employer from the operation" of the Act. "This would be too wide a door through which the content of the Act would disappear" (Pet. App. A73–A74). It held that the Secretary had "clearly established his *prima facie* case" (Pet. App. A75)—*i.e.*, that petitioner was paying women selector-packers less than men selector-packers

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[8] In addition to Section 6(d), which is set forth at Pet. 3-4, the Equal Pay Act of 1963 (77 Stat. 56) contains the following "Declaration of Purpose" and findings:

"Sec. 2(a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex—

"(1) depresses wages and living standards for employees necessary for their health and efficiency;

"(2) prevents the maximum utilization of the available labor resources;

"(3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

"(4) burdens commerce and the free flow of goods in commerce; and

"(5) constitutes an unfair method of competition.

"(b) It is hereby declared to be the policy of this Act, through exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct the conditions above referred to in such industries."

for performance of equal work—by showing the wage disparity, that both generally performed identical semi-skilled work, and that the other work which male selector-packers might perform during a small portion of their time amounted, in substance, to the same unskilled common labor performed by snap-up boys whose job carried virtually the same rate of pay as that paid the female selector-packers.

The burden of proof then fell upon the company, the court ruled, to establish its claim that the wage differential was based on "a factor other than sex" (Pet. App. A75–A76).[8] This burden was not met, the court concluded, because there was no finding or evidence in the record of the economic value of the labor of snap-up boys performed by male selector-packers, nor any finding or evidence substantiating the claim that the "element of flexibility" bore any relation to the 10 percent wage differential, or that all male selector-packers were available to do the snap-up work and that no female selector-packers were so available (Pet. App. A76). In cases such as this, "where the justification for the differential rests on economic benefit, the company has peculiarly within its knowledge the means of proof, and the burden therefore is one which cannot be satisfied by general or conclusory assertions" (*ibid.*).

The district court's conclusions that the disparity in wages was based upon "substantial differences"

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[8] Accord, *Shultz* v. *First Victoria National Bank*, 420 F. 2d 648, 654, n. 8 (C.A. 5); *Shultz* v. *American Can Company-Dixie Products*, C.A. 8, No. 19581, decided March 30, 1970, slip op., p. 9, n. 10, 19 WH Cases 424, 62 Lab. Cas. ¶ 32309.

and "upon factors other than sex" were held to be without adequate support in either the findings or the record, and therefore not binding on the court of appeals under the "clearly erroneous" rule (Pet. App. A77).

3. None of the questions which the petition poses for review is actually presented by the decision below or by the record in this case. Moreover, while the court below did decide questions of statutory interpretation (not presented in the petition) which are important to the administration and application of the Equal Pay Act, its decision was correct and is not in conflict with that of any other court of appeals. Accordingly, review by this Court is not warranted.

a. *Petitioner's question 1* is premised on the erroneous assumption that the district court's holding on the basic issue of equality of the work was conclusive and binding on the court of appeals and that the appellate court's decision therefore applies "even where the jobs are not equal" (Pet. 2). As previously noted, however, the court of appeals rejected the district court's interpretation of the statutory term "equal" as meaning "virtually identical," and, applying its own "substantially equal" interpretation, concluded that the Secretary's evidence established that the work of the men and women was equal.

Although petitioner asserts that the court of appeals "conceded that *some* differential was justified in Petitioner's case" (Pet. 14, emphasis petitioner's) and concerned itself only with "the precise *amount* of the

particular wage difference" (Pet. 13, emphasis petitioner's), petitioner cites nothing in the court of appeals opinion in support of these statements—which do not comport with our understanding of the decision below.

b. *Petitioner's question 2* is premised on the same misunderstanding of the decision below.

Properly understood, the decision below does not, as petitioner contends, present questions involving a "delicate legislative balance between the Equal Pay Act and Title VII of the Civil Rights Act" (Pet. 19). As the court of appeals explained (Pet. App. A75):

> It is not necessary here, however, to delineate the precise manner in which these two statutes must be harmonized to work together in service of the underlying Congressional objective. For even if the Civil Rights Act is put aside, the Equal Pay Act alone does not permit artificial classification to prevent inquiry whether there exists a difference in pay for substantially equal work.

Accordingly, petitioner's suggestion that the decision below has deprived it of recourse to the Civil Rights Act's more complex procedures prerequisite to the filing of suit under that Act (Pet. 19–20) is without substance. The decision below does not require petitioner to end any discriminatory employment practices other than the payment of unequal wages to men and women who perform equal work within the meaning of the Equal Pay Act, as to which the established remedy is that used here.

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c. *Petitioner's question 3* was not passed on by the court of appeals and is an issue petitioner is precluded from presenting here because of its failure to preserve it below by a cross-appeal.[10] *Morley Co.* v. *Maryland Casualty Co.*, 300 U.S. 185, 191–192. In any event, the district court correctly denied petitioner's demand for a jury trial. *Sullivan* v. *Wirtz*, 359 F. 2d 426 (C.A. 5), certiorari denied, 385 U.S. 852.[11] It is established that the right to jury trial does not extend to statutory injunction suits brought by the officials responsible for enforcement of regulatory legislation.[12]

[10] There was no mention of the jury trial issue in either the briefs or the oral argument below.

[11] The *Sullivan* decision followed *Wirtz* v. *Jones*, 340 F. 2d 901 (C.A. 5). There have been no other appellate court decisions on this question in Fair Labor Standards Act cases, but the numerous district court decisions have uniformly reached the same conclusion. See, *e.g.*, *Wirtz* v. *Active City Wide Service Co.*, 230 F. Supp. 666 (N.D. Ill.); *Wirtz* v. *Robert E. Bob Adair, Inc.*, 224 F. Supp. 750 (W.D. Ark.); *Wirtz* v. *Tinker's Bigg & Littel Stores*, 16 WH Cases 657, 50 Labor Cases ¶ 31,622 (N.D. Cal., not officially reported); *Wirtz* v. *Moorehead*, 16 WH Cases 417, 49 Labor Cases ¶ 31,555 (W.D. S.C., not officially reported); *Wirtz* v. *Martin*, 17 WH Cases 609, 54 Labor Cases ¶ 31,883 (M.D. Pa., not officially reported); *Wirtz* v. *Florence and Co.*, 18 WH Cases 631, 58 Labor Cases ¶ 32,097 (D. Kan., not officially reported); *Wirtz* v. *Swann Oil Co.*, 18 WH Cases 672, 59 Labor Cases ¶ 32,117 (E.D. Pa., not officially reported).

[12] See, *e.g.*, *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 48 (action under National Labor Relations Act for back pay and reinstatement of wrongfully discharged employees); *Co-Efficient Foundation* v. *Woods*, 171 F. 2d 691 (C.A. 5); *McCoy* v. *Woods*, 177 F. 2d 354 (C.A. 4); *Howard* v. *United States*, 214 F. 2d 759 (C.A. 10); *Leimer* v. *Woods*, 196 F. 2d 828 (C.A. 8); *Johnson* v. *Georgia Highway Express Inc.*, 417 F. 2d 1122 (C.A. 5); *Smith* v. *Hampton Training School for Nurses*, 360 F. 2d 577 (C.A. 4).

Petitioner's reliance on *Ross* v. *Bernhard*, 396 U.S. 531, and *Fleitmann* v. *Welsbach Co.*, 240 U.S. 27, involving suits by private individuals, is misplaced. The stockholders' derivative action in *Ross* sought to enforce "legal claims of the corporation" which was the "real party in interest" (396 U.S. at 539, 542). By contrast, the purpose of a suit by the Secretary of Labor for a statutory injunction "is not to collect a debt owed by an employer to his employee but to correct a continuing offense against the public interest," and the award of back pay "is simply a part of a reasonable and effective means which Congress, after trial and error, found it necessary to adopt to bring about general compliance * * *." *Wirtz* v. *Jones, supra*, 340 F. 2d at 904.

d. As to the issues actually decided, the decision of the court below is correct. The principal question in the case was the meaning of the statutory term "equal" (in referring to "work," "responsibility," etc.). If "equal" were held to mean "identical" or "substantially identical" (as it was by the district court (Pet. App. A55)), the declared purpose of the Act to correct the deleterious conditions resulting from "wage differentials based on sex" would be virtually destroyed and its specific prohibitions rendered almost meaningless. The court of appeals correctly held that this was reason enough for rejecting such a self-defeating interpretation and ruled instead that Congress intended only to require that the jobs be "substantially equal" (Pet. App. A73). This interpretation accords with the language, the remedial purposes, and the legislative history of the Act.

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Not only is the word "identical" absent from the statute, but if Congress had intended the prohibited wage differentials to apply only to identical jobs, there would have been no occasion to provide the statutory criteria of "skill, effort, and responsibility" by which to measure the equality of job requirements. And the legislative history also supports the court of appeals' interpretation, despite some statements and discussion in the House debates which might foster the "identical" or "virtually identical" interpretation (see, *e.g.*, excerpts relied upon by petitioner at Pet. 17).[13] A contrary intent was made unmistakably clear in the Senate by Senator McNamara, who guided the bill through the Senate and was chairman of the subcommittee that handled it. Referring to such House discussion, Senator McNamara stated flatly that "it is *not the intent* of the Senate that jobs must be identical," adding that "[s]uch a conclusion would be obviously ridiculous" (109 Cong. Rec. 9761; emphasis added).[14]

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[13] See *United States* v. *American Trucking Ass'ns, Inc.*, 310 U.S. 534, 543; *Idaho Sheet Metal Works* v. *Wirtz*, 383 U.S. 190, 201, holding that even where a "literal reading" (383 U.S. at 200) and "[s]ome statements in the [legislative] debates explicitly foster this reading" (383 U.S. at 199), an interpretation which "would compel results flatly inconsistent with those Congress explicitly contemplated" (383 U.S. at 201) should be rejected.

[14] In submitting the bill to the Senate, Senator McNamara stated: "It is most important that the Senate intent be made clear as to language in the bill which is the same in both the Senate and House versions," since "[t]he discussion that surrounded the congressional consideration of this bill has somewhat clouded the question of the definition of 'equal skills, efforts, and responsibilities'" (109 Cong. Rec. 9761). He pointed out that the Senate Report contained "a rather lengthy

"Substantially equal" jobs can, of course, involve *some* differences. As the earliest decisions under the Equal Pay Act pointed out: "Jobs are seldom identical in every respect; small differences in job requirements can easily be made but make no real difference where the work is substantially the same" (*Wirtz* v. *Rainbo Baking Co.*, 303 F. Supp. 1049, 1052 (E.D. Ky.); *Wirtz* v. *Basic Incorporated*, 256 F. Supp. 786 (D. Nev.)).

Petitioner's assumption that the district court's "substantially identical" interpretation of the statute was correct—*i.e.*, that a simple finding of "additional" or "different" duties in job performance suffices to establish that the jobs are not "equal"—underlies its erroneous contention that the court of appeals decision is contrary to the "rulings and regulations of the Department of Labor" (Pet. 14, 18–19). The excerpts from the regulations quoted on page 18 of the petition apply only to "situations in which a review of all pertinent facts will *clearly establish* that the male and female employees in question are *not* performing equal work * * *" (emphasis added).[15]

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discussion * * * on the methods and procedures which the Department should utilize to determine which jobs do involve equal skills, efforts, and responsibilities * * * [which] makes it clear that it is not the intent of the Senate that jobs must be identical" (*ibid.*).

[15] Petitioner similarly misapprehends (at Pet. 19) the "Letter Opinion of June 3, 1964" (Pet. App. A80–A83), which is expressly limited "solely" to the specific situation described, and specifically states that "mere differences in the *kind* of effort" do not make jobs unequal, and that "a careful scrutiny and evaluation of the facts in each case would be necessary before a firm answer could be given" to the question whether performance requirements of "different" duties are "*actually* so sub-

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Those parts of the Department's Interpretative Bulletin which are omitted from petitioner's excerpts emphasize the caveats that " 'equal' does not mean 'identical' "[16] and that "[d]ifferences only *in the kind of effort required,*" where *"there is no substantial difference in amount or degree of effort* * * * will not justify wage differentials" (emphasis added).[17]

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stantially different as to render the jobs *as a whole* unequal in significant respects under the statutory tests" (Pet. App. A82). Subseqeunt Wage-Hour opinion letters specifically warned against "any attempt to extend the scope of" the June 3, 1964 opinion (these opinions of Sept. 25, 1964, and Jan. 14, 1965 (reprinted in WHM 95: 614, 623), were furnished petitioner's counsel along with the June 3, 1964 letter).

[16] This section of the Bulletin states further:

"* * * Insubstantial or minor differences in the degree or amount of skill, or effort, or responsibility required for the performance of jobs will not render the equal pay standard inapplicable. * * * In determining whether job differences are so substantial as to make jobs unequal, it is pertinent to inquire whether and to what extent significance has been given to such differences in setting the wage levels for such jobs. Such an inquiry may, for example, disclose that apparent differences between jobs have not been recognized as relevant for wage purposes and that the facts as a whole support the conclusion that the differences are too insubstantial to prevent the jobs from being equal in all significant respects under the law." 29 C.F.R. 800.122.

[17] Immediately following the excerpt quoted at Pet. 18, the same Section states:

"* * * Where jobs are otherwise equal under the Act, and there is no substantial difference in the amount or degree of effort which must be expended * * * *the jobs may require equal effort* * * * *even though the effort may be exerted in different ways on the two jobs. Differences only in the kind of effort*

The other significant aspect of the decision below concerns the interpretation and application of the "other than sex" statutory exception. The court of appeals rejected the district court's ruling that defendant satisfied its burden of proof on this issue by showing a need for flexibility. The court of appeals correctly held that petitioner's sex-grouped classifications, which merely assumed that all males but no females possessed the attributes of "flexibility" presumably required, did not suffice to meet its burden of proof, absent more specific findings and substantiating evidence (see *supra,* p. 8). As the Court of Appeals for the Fifth Circuit noted in *Shultz* v. *First Victoria National Bank, supra,* "the exception will swallow the rule" of "equal pay for equal work" if wage differentials could be justified simply on the basis of an undocumented alleged need for sex-grouped classifications. 420 F. 2d at 657, citing *Weeks* v. *Southern Bell Tel. & Tel. Co.,* 408 F. 2d 228, 235

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*required * * * in such a situation will not justify wage differentials.*" 29 C.F.R. 800.127; emphasis added.

And, of particular significance here, the following Section states:

"* * * The difference *in kind of effort* required *of the employees does not appear to make their efforts unequal in any respect which would justify a wage differential, where such differences in kind of effort * * * are not ordinarily considered a factor in setting wage levels.* * * * a serious question would be raised about the bona fides of a wage differential if it is paid to a male employee who is otherwise performing equal work with female employees on the basis that the male is required to do some heavy lifting, *unless a similar distinction in wage rates is made in the establishment as between male employees only* where some do heavy lifting and others do not." 29 C.F.R. 800.128; emphasis added.

(C.A. 5). Cf. *Idaho Sheet Metal Works* v. *Wirtz*, 383 U.S. 190, 208–209. Here, as in *First Victoria Bank*, there was a wage classification or program which "starts with discrimination on sex with no showing yet that any exception would justify it" (420 F. 2d at 659); and "such imprecise programs are * * * not in harmony with the Congressional purpose: The elimination of those subjective assumptions and traditional stereotyped misconceptions regarding the value of women's work" (420 F. 2d at 656).[18]

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[18] The court of appeals also correctly held that petitioner's proof was defective for the additional reason that it failed to show that the element of flexibility bore any relation to the amount of the wage differential (Pet. App. A76). As the Senate Report stated, the Act was "designed to eliminate *any* wage differentials which are based on sex" (109 Cong. Rec. 8915; emphasis added). And the Department's Interpretive Bulletin accordingly provides that "the requirements for such an exception *are not met unless the factor of sex provides no part* of the basis for the wage differential" (29 C.F.R. 800.142; emphasis added), and that a showing of "absence of sex as a factor" may be "*incomplete without a showing that there is a reasonable relationship between the amount of the differential* and the weight properly attributable to the factor other than sex" (*id.* at 800.143; emphasis added).

CONCLUSION

For the foregoing reasons, the petition for certiorari should be denied.

Respectfully submitted.

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